

Water pact leaves unresolved conflicts, faces more hurdles

► Hearings must be held and upper delta diversions addressed.

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SACRAMENTO — Despite the peace declarations made by everyone who signed the landmark environmental agreement for the Sacramento-San Joaquin Delta on Thursday, some major conflicts remain that may take a year or more to iron out.

The agreement, which sets limits on the amount of water that can be taken away from farms and cities to protect threatened and endangered fish in the delta, is only a policy statement by state and federal agencies and major water users at this point, officials explained.

It cannot be fully implemented until the State Water Resources Control Board conducts a series of hearings on the complex issue of the water rights held by farmers in the delta and on the Sacramento River and other delta tributaries in northern California.



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That is a potentially explosive issue.

Environmentalists and San Joaquin Valley farmers have long contended that water taken out of the rivers by farmers in and above the delta has contributed to the worsening of water quality and the decline of fish species in the delta.

The chief complaint of valley farmers is that the two major water projects which supply them with irrigation water from the delta — the State Water Project and the federal Central Valley Project — have so far been held entirely responsible for correcting the damage by restricting the amount of water they take from the delta.

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clearly have an impact," says Tom Clark, manager of the Kern County Water Agency. "The question is how much."

Partly because no one knows how much, the upstream water users have not had to reduce their diversions to help solve the delta's environmental problems. They contend that the problems weren't even noticed until the two projects were built and began sucking millions of acre-feet of water out of the delta each year.

But the problem is complicated by California's system of water rights. Many of the the upstream landowners hold rights to water from the rivers that are as old as the state itself, and the courts have

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generally held that those rights can't be tampered with.

Nevertheless, under the new delta agreement, the state water board will begin hearings in July on whether the "senior water rights holders" and other water users in Northern California should be required to do their part for the delta's environment.

If they are required to contribute some water, it would reduce the amount that must be given up by valley farms and Southern California cities.

The big question is whether the upstream users will dig in and fight or whether they will join in the spirit of cooperation that produced the delta agreement. So far there has been little or no public indication of what stance they will take, but Clark says he is encouraged by private talks with some of them.

"They should step up and take a reasonable amount of the responsibility," Clark said. "My understanding is that they are willing to do that."